

protect union members, our hard-working Americans, from corruption, bribery, coercion, or maybe worse.

The data shows the actions OLMS is taking in pursuing corruption are spot on. They are doing what they should be doing; they just don't have enough resources now to do it. They certainly don't need a cut in their budget.

When President Bush took office and Secretary Elaine Chao was appointed to be the Secretary of Labor—and she has done a fantastic job, in my opinion—they quickly learned that most union members didn't even know they had rights or what agency would enforce those rights if they were abused. Now there are posters placed at every union workplace stating clearly the rights and duties of unions and employees.

The funding increase proposed in this amendment, which I will be offering, I believe is warranted as OLMS is showing substantive results that are benefiting rank-and-file members, and providing valuable resources to union leaders as so many of them work to uphold the law, but they need assistance in doing that correctly. In fact, the Department of Labor has gone to great lengths to ensure that labor union officials have all the help they need and that the reporting requirements are reasonable.

To make the rules fair, you must sometimes work out problems you have and decrease the burden. Over the years, the Secretary has consulted with labor leaders, has made the forms easier to understand, has worked closely with the AFL-CIO and other unions to create exceptions, exemptions, and to simplify reporting requirements where possible. But you have to know where the money is being spent ultimately. DOL last year added examples and further guidance to one of the forms that is required, the LM 30.

OLMS has been funded below the requested level for the last several years. This is beginning to accumulate in a way that is hurting their ability to meet their needs. This is the level requested by the President to keep this agency on track, and we have been seeing a decline in funding. Last year, the budget was \$47.753 million. This year, the committee bill cuts it by \$2 million to \$45.737 million. With all due respect, I think that is a bad decision. We have a lot of increases in this agency. It is a very important agency, but that is a major reduction when you see it has continued to fall behind what we projected their growth to be.

This agency has seen difficult times. It does seem to be an issue that is political, I have to say. During the Clinton administration, OLMS was cut to only 260 employees. Understaffed, the division was purposefully and expressly prohibited from even carrying out the enforcement duties the law required. This administration has at least attempted to restore resources to OLMS so it can carry out its mission. Even so, the President's fiscal year 2008

staffing request for only 369 FTEs—that is full-time personnel—is still below the 1985 level, which was 463.

Now, as you can see, the trend has turned away from providing even those resources, resulting in a more substantial cut. It indicates to me that if we maintain this level, this Congress is not interested in seeing that this agency, the only one in Government empowered and given the responsibility of enforcing integrity in unions, would be reduced in its ability to do so, to a precarious level indeed.

In fact, OLMS was the only enforcement agency, the only one in the Labor Department, that received a budget cut during the congressional markup of that bill. It is the only one in this bill on the floor now, the only office at this agency, that got a cut. The Appropriations Committee increased the Department's overall budget by \$937 million above what the President requested for the Department of Labor. The only cut in the Department's budget, which totals \$10 billion, was an \$2 million cut for OLMS.

Senator John F. Kennedy was instrumental in passing this act in 1959 and the act says that a member:

... must have access to union financial records and has the right to recover misappropriated union assets on behalf of a union when the union fails to do so.

That is what the act called for. Senator Kennedy spoke on it aggressively. Then Senator Kennedy, later President Kennedy, said:

The racketeers will not like it, the antilabor extremists around the country will not like it, but I am confident the American people, and the overwhelmingly honest rank and file union members, will benefit from this measure for many years to come.

That was in 1959, almost 50 years ago. He said they will benefit from this law for many years to come, and I submit they have: 796 crooks have been convicted, \$101 million in restitution has been received in the last 6 years.

Senator ROBERT BYRD, a champion of union rights who, I have to tell you—isn't it something? is still a Member of this Senate—he was active in this debate. During that time, he got a letter from a member of the UMWA in West Virginia. They sent him a letter condemning his vote for it.

Senator BYRD, who still retains great respect in the union membership—and leadership, too, for that matter—this is how he responded on the floor of the Senate:

The bill which passed the Congress will not hurt honest unions, and it will give added protection to the rank-and-file members in the unions. Honest union leaders have nothing to fear from the legislation . . . the corruption and racketeering that have been revealed in the fields of both labor and management made it imperative that some kind of legislation be enacted.

I applaud the efforts of OLMS to pursue those who are misusing their power over our hard-working union members, those who are using that money for their personal benefit, abusing their position by squandering the hard-earned dollars of working Americans.

Let me mention this story about the United Transportation Union. I think it highlights what can happen when there is no consistent oversight. I have a photograph that was taken in the course of an investigation that shows a person handing over money in a corrupt transaction. What is happening here is that the money is being given by a designated UTU legal counsel named Victor Bieganowski. The person receiving the money was John Russell Rookard, 58, of Olalla, WA, a top special assistant to Byron Alfred Boyd. Mr. Boyd was president of the UTU at the time.

This picture shows the handing over of the money. There was an undercover agent working there and they recorded the deal.

In 2004, Boyd, the international president of UTU, the nation's largest railroad operating union, pleaded guilty to participating in a bribery scheme involving Houston lawyers. Union officials extorted bribes from the lawyers in exchange for access to union members who might have been injured so they could file lawsuits.

As a March 12, 2004, Houston Chronicle article explains, Byron Alfred Boyd, Jr., 57, of Seattle, is the last of four officials of the United Transportation Union to plead guilty—he admitted that he did it—in a plan to extort bribes from the lawyers in exchange for access to injured union members. He admitted using the bribes obtained from the lawyers, extorted from lawyers, to gain control of the union. He used it for his political strength too. He persuaded former union president Charles Leonard Little, 69, to resign in exchange for \$100,000 and a new pickup, so Boyd could assume the post. He wanted to be president of the union. He goes to the former President and offers him \$100,000 and a new pickup to resign so he could be president.

Mr. Little should have been a little bit more careful before he resigned because when he resigned he never got his money, but he was out of office. Little also pleaded guilty last year, as did the former union insurance director, Ralph John Dennis, 51. The man in this picture, John Russell Rookard, 58, of Olalla, WA, a top assistant to Boyd, also pleaded guilty. The indictment alleged that some union presidents determined which lawyers were to be included on the union's designated counsel list. That position was coveted and very valuable because he gave those lawyers easier access to get clients from union members who might have been injured. They would therefore be able to make a lot of money off lucrative personal injury lawsuits.

At the time of the indictments, 56 lawyers were on the list, including 6 in Texas. Unfortunately, we have example after example of this kind of disregard for doing the right thing with the money of our hardworking Americans.

On August 31, let me note, Judy A. Thurman, former treasurer of Federated Independent Texas Union Local